**PATENT** 

(Practitioner's Docket No. IN-556

MAR 2.8 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bernhard LETTMANN et al.

US Serial No.: 10/069,814

Filed: February 27, 2002

For: Mixed System For Producing Water-

Dilutable Coating Agents

Group Art Unit: Not Assigned

Examiner: Not Assigned

I hereby certify that the following PAGES are being facsimile transmitted to the Patent and Trademark Office fax No.: (703) 872-9310 on the date shown below to

Attn: PCT

COMMUNICATION FOR SUBMITTING THE ENGLISH TRANSLATION OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Hon. Assistant Commissioner for Patents Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International Preliminary Examination Report for the above-mentioned patent application.

Applicant believes that no fee is required for submitting the English Translation of the International Preliminary Examination Report. However, if applicant has inadvertently overlooked the need for a fee the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 23-3425.

This form is submitted in triplicate.

Respectfully Submitted,

Michael F. Morgan

Registration No. 42,906

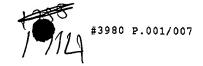
Customer No. 26922

June 12 2002 BASF Corporation 26701 Telegraph Road Southfield, Michigan 48034-2442

(248)-948-2355

Date:

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### **PATENT**

(Practitioner's Docket No. IN- 5561)

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Bernard LETTMANN et al

Serial No.: 10/069,814

Group Art Unit: not yet assigned

Filed: February 27, 2002

Examiner: not yet assigned

For: Mixed System For Producing Water-Dilutable Coating Agents

**Assistant Commissioner of Patents** 

Washington, D.C. 20231

### CERTIFICATE OF FACSIMILE TRANSMISSION

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Communication For Submitting the English Translation (X) FAV AECENED Of The International Proliminary Examination Report In Triplicate 03 Pages English Translation Of The International Preliminary (X) **Examination Report** 03 Pages (X) Certificate of FaceImile Transmission 01 Page Total Pages 07 Pages June 12, 2002

Sandra Barry

(Typed or printed name of person signing pertification)

Signature

(certificate of Focsimile Transmission [8-7]

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### PATENT COOPERATION TREATY

# **PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Clatte	PCT	
anslation interna-	tional preliminary examin	ation report
·	(PCT Article 36 and Rule 70)	
Applicant's or agent's file reference PAT99172PCT	FOR FURTHER ACTION SecNotifica Examination	tionoffransmittalofinternational Prelimi n Report (Porm PCT/IPEA/416)
International application No.	International filing date (day/month/year)	Priority dam (day/month/year) 07 September 1999 (07.09.9
PCT/BP00/08211 International Patent Classification (PC)	23 August 2000 (23.08.00)	U/ Septemoer 1999 (07.07.7
C09D 5/02, 7/14, B05D 7/00		
Applicant .* '-	BASE COATINGS AG	· · · · · · · · · · · · · · · · · · ·
	camination report has been prepared by this Inter	
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International application No. INTERNATIONAL PRELIMINARY EXAMINATION REPORT PCT/EP00/08211

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3. Wi	ilminary (	d to any nuclectide and/or amino acid sequence disclosed in the international examination was carried out on the basis of the sequence listing:	application, the international
l [	contai	ined in the international application in written form.	
		together with the international application in computer readable form.	
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	Intern	statement that the subsequently furnished written sequence listing does not go b national application as filed has been furnished.	
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4.	The	amendments have resulted in the cancellation of:	
		the description, pages	
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s. [	This n	report has been established as if (some of) the amendments had not been made, since the of the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**	ey have been considered to go
* Rej	-	at sheets which have been furnished to the receiving Office in response to an invitation u ort as "originally filed" and are not annexed to this report since they do not con	nder Article 14 are referred to tain amendments (Rule 70.10
an	d 70.17).	iment sheet containing such amendments must be referred to under item I and annexed to	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Internstional	application No.
PCT/EP	00/08211

V Remoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explorations supporting such statement					
Statement					
Novelty (N)	Claims	6-7	YES		
•	Clairos	1-5, 8-10	NO		
Inventive step (IS)	Claires		YES		
<i>:</i> · .	Claims	6-7	NO		
Industrial applicability (IA)	Claims	1-10	YES		
•	Claims		NO		

2. Citations and explanations

Reference is made to the following documents:

D1: DE-A-43 39 951 (BASF LACKE + FARBEN) 1 June 1995 (1995-06-01)

D2: ÉP-A-0 752 455 (BASF LACKE + FARBEN) 8 January 1997 (1997-01-08) & DE-A-41 10 520 1 October 1992 (1992-10-01), mentioned in the application.

D1 is prejudicial to the novelty (PCT Article 33(2)) of the subject matter of Claims 1-5 and 8-10 (cf. in particular the citations from the search report and e.g. column 1, line 36). The proportion of water in component A is 5-80%, preferably 10-70%. As is generally known, a numerical range for an already included numerical range is normally prejudicial to novelty.

The measures in Claims 6 and 7, carried out like those in D2 (loc cit), are of trivial importance for a combined system for colors. An inventive step is thus lacking (PCT Article 33(3)).

Industrial applicability is established (PCT Article 33(4)).